

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOHN BENSON,
Plaintiff,
v.

Civil Action No. 05-11112-RWZ

MARRIOTT INTERNATIONAL, INC.
Defendant.

DEFENDANT'S ASSENTED TO MOTION TO MODIFY SCHEDULING ORDER

Defendant, Marriott International, Inc. ("Defendant"), respectfully moves that the Court modify its Scheduling Order by enlarging by 90 days, to June 30, 2006, the time allowed to complete discovery. As grounds, Defendant states as follows:

1. The Amended Scheduling Order provides that discovery be completed by March 30, 2006.
2. The parties have exchanged automatic required disclosures and written requests for discovery. In addition, the Defendant has noticed the deposition of the Plaintiff.
3. On January 18, 2006, the Court granted a joint motion to extend time to complete discovery to March 30, 2006 and set a further scheduling conference for April 12, 2006.
4. On March 1, 2006, the Court granted the motion of John W. Davis to withdraw as counsel for the plaintiff. The plaintiff is presently *pro se*.

5. In assenting to this motion, the plaintiff informed undersigned counsel on March 20, 2006 that he intends to wait for the April 12, 2006 conference with the Court before deciding whether to engage a new attorney.

6. Plaintiff further informed undersigned counsel on March 20, 2006 that he does not intend to respond to overdue discovery requests or agree to schedule his deposition until after the April 12 conference.

7. Now pending before the Court is defendant's motion to enforce a settlement agreement, or to amend its answer, to which the plaintiff has filed an opposition.

For all these reasons, Defendant moves that the Court amend its Scheduling Order to extend the deadline for completing discovery to June 30, 2006. The plaintiff *pro se* has assented to this motion.

Respectfully submitted,

MARRIOTT INTERNATIONAL, INC.
By their attorney,

/s/ Kevin B. Callanan

Kevin B. Callanan, BBO #070620
Law Office of Kevin B. Callanan
17 Accord Park Drive – Suite 101
Norwell, Massachusetts 02061
781-878-1604

Dated: March 24, 2006

LOCAL RULE 7.1 CERTIFICATION

I certify that on March 20, 2006, I conferred in good faith with the plaintiff *pro se* by telephone to resolve or narrow the issues presented by this motion. We were unable to do so.

/s/ Kevin B. Callanan

Kevin B. Callanan (BBO #070620)

CERTIFICATE OF SERVICE

I certify that this document was filed through the ECF system and will be sent electronically to any registered participant, in addition, a true copy of this motion was served by mail on the plaintiff *pro se*, John Benson, 90 Chaffee Avenue, Waltham, MA 02453 on March 24, 2006.

/s/ Kevin B. Callanan

Kevin B. Callanan (BBO #070620)